

**Remarks**

Claim 1, which is directed to an associative amphoteric polymer that consists essentially (a) between 0.005 and 10 mole % of at least one acrylamide-derived cationic monomer containing a hydrophobic chain, (b) between 1 and 30 mole % of at least one anionic monomer containing acrylic, vinyl, maleic, fumaric or allyl functionalities and containing a group selected from carboxy, phosphonate or sulfonate and/or their ammonium salts or alkaline-earth metal salts or alkali metal salts; and (c) between 1 and 99 mole % of at least one acrylamide-derived non-ionic hydrosoluble monomer

Claims 2, 7 and 15 are currently amended for purposes of clarification.

New claims 18, 19 and 20, depending from claims 1, 18 and 13, respectively, are added.

No new matter is added by the foregoing amendments and new claims.

Claims 1-11 and 13-17 have been rejected under 35 U.S.C. §102(b) as being anticipated by Albrecht et al., US 6,187,887 ("Albrecht") or Oswald et al., US 6,395,853 ("Oswald")

Claims 1-3, 6-11, and 13-17 have been rejected under 35 U.S.C. §102(e) as being anticipated by Schinabeck et al, US 7,238,760 ("Schinabeck").

Claims 4-5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Oswald or Schinabeck in view of Oswald.

In light of the foregoing amendment of the claims and the remarks that follow, all of these rejections are respectfully traversed.

Albrecht discloses water-soluble or water-swellable copolymers that contain sulfonic groups and are based on (meth)acrylamide alkylsulfonic acids (Title and Abstract). Schinabeck discloses water-soluble or water-swellable associatively thickening copolymers that contain sulfonic groups and are based on (meth)acrylamide alkylsulfonic acids (Title and Abstract). The formula of the sulfonic -substituted (meth)acrylamide structural unit disclosed in Schinabeck is substantially the same as that employed in Albrecht.

The copolymers of both Albrecht and Schinabeck require four separate monomeric components. By contrast, the applicants' associative amphoteric polymer consist essentially of only three monomeric components.

Oswald discloses water-soluble copolymers whose structural units are derived from both sulfonic- and phosphonic substituted anionic monomers together with quaternary ammonium cationic monomers (Abstract). Unlike the associative amphoteric polymer of the present invention, the copolymers disclosed in Oswald lack a structural unit derived from a non-ionic monomer. Also in contrast to the present invention, the copolymers of Oswald lack a hydrophobic substituent, which is a required structural feature of an associative amphoteric copolymer.

In light of the foregoing amendment of the foregoing claim amendments and remarks, withdrawal of the §102(b) rejection of claims 1-11 and 13-17 as being anticipated by Albrecht or Oswald, the §102(e) rejection of claims 1-3, 6-11, and 13-17 as being anticipated by Schinabeck, and the §103(a) rejection of claims 4-5 as being unpatentable over Oswald or Schinabeck in view of Oswald is respectfully requested.

Claims 1-11 and 13-20 are now pending in this application. If a telephone conference would be helpful in advancing the prosecution of this application, the applicants' undersigned agent invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,



Date: July 30, 2009

Lee J. Fleckenstein  
Agent for Applicants  
Registration No. 36,136

HESLIN ROTHENBERG FARLEY & MESITI P.C.  
100 Meridian Centre  
Suite 250  
Rochester, New York 14618  
Telephone: (585) 288-4832  
Facsimile: (585) 288-2010